

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VALENTA DUNCAN,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendant.

No. 2:25-cv-0908-TLN-CKD (PS)

ORDER

Plaintiff Valenta Duncan filed a complaint for damages in the Sacramento County Superior Court and defendants removed the case to this court on March 20, 2025. (ECF No. 1.) On March 27, 2025, the defendants filed two motions to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF Nos. 6, 7.) Plaintiff did not file timely oppositions to either motion to dismiss. See Local Rule 230(c).

Plaintiff's failure to timely file an opposition or statement of non-opposition to the defendants' motions to dismiss violates Local Rule 230(c). However, the court will provide plaintiff with a further opportunity to respond to the pending motions within 21 days after service of this order. Plaintiff is cautioned that any further failure to respond will be construed as a non-opposition to the motions which would also constitute grounds for dismissal of this case.

Local Rule 230(c) states "[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party...."

1 Accordingly, the hearings set for May 7, 2025, on defendants' motions to dismiss are vacated.
2 After the conclusion of briefing, the motion will be submitted for decision on the record and
3 written briefing. If the court subsequently determines that oral argument would be beneficial for
4 consideration of the motion, the parties will be notified accordingly.

5 In accordance with the above, IT IS ORDERED as follows:

- 6 1. The hearings on defendants' motion to dismiss set to take place on May 7, 2025,
7 are VACATED.
- 8 2. Plaintiff shall file written oppositions (or a statement of non-oppositions) to the
9 motion to dismiss within 21 days after service of this order. Failure to do so will
10 be deemed a statement of non-opposition and consent to the granting of the
11 motions and may also constitute a ground for the imposition of appropriate
12 sanctions, including a recommendation that plaintiff's case be involuntarily
13 dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).
- 14 3. Defendants may file a written reply to any opposition filed by plaintiff within 10
15 days of plaintiff's filing. The court will take the pending motions under
16 submission upon conclusion of this briefing schedule.

17 Dated: April 22, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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